

**SENATE JOURNAL  
63RD LEGISLATURE  
FORTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 25, 2013

Senate Chambers  
State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Buttrey, Chair):

2/25/2013

Correctly printed: **SB 127, SB 182, SB 205, SB 207, SB 223, SB 242, SB 257, SB 258, SB 259, SB 264, SB 265, SB 266, SB 292, SB 296, SB 298, SB 306, SB 312, SB 314, SB 316, SB 319, SB 321, SB 331, SB 335, SB 337, SB 343, SB 345, SB 347, SB 361, SB 366, SJR 17.**

Correctly engrossed: **SB 275, SB 299, SB 346, SB 350, SB 364, SB 370, SJR 19.**

Transmitted to the House: **SB 34, SB 160, SB 175, SB 176, SB 181, SB 185, SB 199, SB 224, SB 235, SB 250, SB 270.**

Signed by the President at 4:54 p.m., February 25, 2013: **SB 47.**

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Murphy, Chair):

2/25/2013

**SB 299**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Following:** line 18

**Insert:** "(5) This section does not apply to employees, agents, or representatives of cooperatives organized under 35-18-101 or public utilities acting in the course and scope of their employment."

And, as amended, do pass. Report adopted.

**SJR 19**, introduced joint resolution, be amended as follows:

1. Page 1, line 9 through line 19.

**Strike:** "WHEREAS," on line 9 through "beings; and" on line 19

2. Page 2, line 3.

**Following:** "committees"

**Insert:** "; and"

WHEREAS, limits on campaign expenditures and contributions apply to corporations, including nonprofit corporations, as well as unions and associations"

3. Page 2, line 12.

**Following:** "corporations"

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**Insert:** ", including nonprofit corporations, unions, and associations,"

4. Page 2, line 13.

**Following:** "corporations"

**Insert:** "and unions"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Vincent, Chair):

2/22/2013

**SB 346**, introduced bill, be amended as follows:

1. Page 8, line 26.

**Following:** "doctrine."

**Insert:** "Nothing in this section is intended to limit the ability of a senior water right holder to enforce a water right or limit that enforcement to a specific area. Creation of a stream depletion zone is not a prerequisite to an enforcement action."

And, as amended, do pass. Report adopted.

**SB 364**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "SECTIONS"

**Insert:** "75-10-204 AND"

**Strike:** "AND 75-10-405"

2. Page 1.

**Following:** line 10

**Insert:** "**Section 1.** Section 75-10-204, MCA, is amended to read:

**"75-10-204. Powers and duties of department.** The department shall, subject to the provisions of 75-10-107, adopt rules governing solid waste management systems that must include but are not limited to:

(1) requirements for the plan of operation and maintenance that must be submitted with an application under this part;

(2) the classification of disposal sites according to the physical capabilities of the site to contain the type of solid waste to be disposed of;

(3) the procedures to be followed in the disposal, treatment, or transport of solid wastes;

(4) the suitability of the site from a public health standpoint when hydrology, geology, and climatology are considered;

(5) requirements relating to ground water monitoring, including but not limited to:

(a) information that owners and operators of municipal solid waste landfills and other disposal sites specified in 75-10-207 are required to submit to the department to enable the department to prepare the priority compliance list authorized by 75-10-207(3);

(b) the content of plans for the design, construction, operation, and maintenance of monitoring wells and monitoring systems; and

(c) recordkeeping and reporting;

(6) the imposition of a quarterly fee based on the justifiable direct and indirect costs to the state of administering Title 75, chapter 10, parts 1 and 2, for solid waste generated outside

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Montana and disposed of or incinerated within Montana;

(7) requirements to maintain financial assurance payable to the state of Montana with a surety satisfactory to the department in an amount sufficient to provide for waste tire treatment, removal, transportation, and disposal, fire suppression, or other measures necessary to protect the environment and the health, safety, and welfare of the public;

(8) requirements for coal combustion residues at electrical generation facilities in order to provide for state implementation of federal legislation or federal environmental protection agency regulations that contain legislative or regulatory requirements pertaining to coal combustion residues and that become effective on or after [the effective date of this act]; and

~~(8)~~(9) any other factors relating to the sanitary disposal or management of solid wastes.""

**Renumber:** subsequent sections

3. Page 1, line 18.

**Strike:** "75-10-405(1)(o)"

**Insert:** "75-10-204(8)"

4. Page 1, line 25 through page 3, line 14.

**Strike:** section 2 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**TAXATION** (Tutvedt, Chair):

2/25/2013

**SB 307**, do pass. Report adopted.

**SB 350**, introduced bill, be amended as follows:

1. Page 1, line 26.

**Following:** line 25

**Insert:** "(ii) In the event that the committee has not caused a revenue estimating resolution to be introduced in accordance with subsection (2)(a)(i), a senate joint resolution must be introduced that provides an estimate of the amount of revenue projected to be available for legislative appropriation."

**Renumber:** subsequent subsection

2. Page 2, line 24.

**Strike:** subsection (iii) in its entirety

**Insert:** "(iii) to compare the adopted revenue estimate and assumptions to current revenue estimates under 17-7-140(4)."

3. Page 2, line 25 through line 26.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

## MESSAGES FROM THE OTHER HOUSE

**House bills** passed and transmitted to the Senate for concurrence:

2/23/2013

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**HB 205**, introduced by Kerns  
**HB 274**, introduced by Greef  
**HB 302**, introduced by Kerns  
**HB 304**, introduced by Kerns  
**HB 368**, introduced by Clark  
**HB 414**, introduced by Hoven  
**HB 422**, introduced by Blyton  
**HB 8**, introduced by Cook, requires adoption by three-fourths of each house.

### **MOTIONS**

**SB 336** and **SJR 13** - Senator T. Brown moved consideration of **SB336** and **SJR 13** be placed at the bottom of the second reading board. Without objection, so ordered.

**SB 54** - Senator Facey moved **SB 54** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 39

Nays: Augare, T. Brown, Buttrey, Jergeson, Kaufmann, Malek, Thomas, Tropila, Tutvedt, Van Dyk, Walker.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator T. Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 267** - Senator Thomas moved **SB 267** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk,

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Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.  
Total 48

Nays: Stewart-Peregoy, Wittich.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 327** - Senator Olson moved **SB 327** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 49

Nays: Sales.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 247** - Senator Phillips moved **SB 247** do pass. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy, Wittich.  
Total 24

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Keane, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**SB 247** - Senator Wittich moved **SB 247** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.

Total 28

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Wanzenried, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 153** - Senator Thomas moved consideration of **SB 153** be placed below SB 262 on the second reading board. Without objection, so ordered.

**SB 325** - Senator Olson moved **SB 325** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Priest, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 269** - Senator Walker moved **SB 269** do pass.

**SB 269** - Senator L. Jones moved **SB 269**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "GENERALLY REVISING BUDGET LAWS;"

Amendment adopted as follows:

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Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 35

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 269** - Senator Walker moved **SB 269**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 328** - Senator Augare moved **SB 328** do pass.

**SB 328** - Senator Augare moved **SB 328**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

**Following:** "EXEMPTING"

**Insert:** "RESIDENT"

2. Page 4, line 5.

**Following:** "persons"

**Insert:** "who are considered residents under 87-2-102(1)"

3. Page 4, line 8 through line 9.

**Strike:** "or a member of the armed forces of a foreign government attached to the regular"

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armed forces of the United States"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 328** - Senator Augare moved **SB 328**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 39

Nays: Barrett Dick, Blewett, T. Brown, Driscoll, Facey, Fielder, Jent, Kaufmann, Priest, Tropila, Van Dyk.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 210** - Senator Jackson moved **SB 210** do pass. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Hamlett, Jackson, Jones, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich.

Total 21

Nays: Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Ripley, Sesso,

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Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 29

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 210** - Senator Wittich moved **SB 210** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.

Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 326** - Senator Malek moved **SB 326** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 237** - Senator Brenden moved **SB 237** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.

Total 33

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 352** - Senator Thomas moved **SB 352** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Taylor, Thomas, Vuckovich, Webb, Windy Boy.

Total 32

Nays: Blewett, D. Brown, Fielder, Jackson, Jent, Moore, Priest, Sales, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Wittich, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 262** - Senator Brenden moved **SB 262** do pass.

**SB 262** - Senator Brenden moved **SB 262**, second reading copy, be amended as follows:

1. Page 1, line 12.

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(2)"

**Insert:** "and (3)"

2. Page 1.

**Following:** line 23

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**Insert:** "(3) Nothing in this section limits an employee's right to report, anonymously or otherwise, an alleged violation of law by an employer."

3. Page 1, line 26.

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(2)"

**Insert:** "and (3)"

4. Page 2.

**Following:** line 1

**Insert:** "(3) Nothing in this section limits an employee's right to report, anonymously or otherwise, an alleged violation of law by an employer."

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 40

Nays: Augare, Blewett, Driscoll, Kaufmann, Keane, Larsen, Malek, Stewart-Peregoy, Tropila, Wanzenried.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Moore disclosed that this bill, if passed, will affect his business regulated by the Department of Environmental Quality.

**SB 262** - Senator Brenden moved **SB 262**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 21

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 153** - Senator Thomas moved **SB 153** do pass.

**SB 153** - Senator Thomas moved **SB 153**, second reading copy, be amended as follows:

1. Page 2, line 15.

**Strike:** "MUSSELSHELL,"

2. Page 2, line 18.

**Following:** "~~Musselshell~~,"

**Insert:** "Musselshell,"

Amendment **not** adopted as follows:

Yeas: Boulanger, Brenden, Fielder, Moore, Peterson, Priest, Ripley, Rosendale, Sales, Stewart-Perego, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.  
Total 17

Nays: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Phillips, Sesso, Sonju, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 33

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 153** - Thereupon, the Senate reverted to the original motion of Senator Thomas which passed as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Murphy, Olson, Phillips, Sesso, Stewart-Perego, Thomas, Tropila, Tutvedt, Van Dyk.  
Total 26

Nays: Arntzen, Barrett Debby, Brenden, D. Brown, Fielder, Jackson, Lewis, Malek, Moore, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 24

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Sonju assumed the chair.

**SB 336** - Senator Hamlett moved **SB 336** do pass.

**SB 336** - Senator T. Brown moved **SB 336**, second reading copy, be amended as follows:

1. Page 2, line 27 through line 30.

**Strike:** subsection (11) in its entirety

**Insert:** "(11) "Developed spring" means any point where ground water emerges naturally, that has subsequently been physically altered, and from which ground water flows under natural pressures or is artificially withdrawn."

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 336** - Senator Hamlett moved **SB 336**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 50

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 13** - Senator T. Brown moved **SJR 13** do pass.

**SJR 13** - Senator F. Moore moved **SJR 13**, second reading copy, be amended as follows:

1. Page 2, line 3.  
**Strike:** "and"

2. Page 2, line 4.  
**Strike:** "."  
**Insert:** "; and"

3. Page 2.  
**Following:** line 4  
**Insert:** "(10) academic achievement."

Amendment **not** adopted as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Facey, Fielder, Jackson, Jent, Lewis, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.  
Total 23

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 13** - Thereupon, the Senate reverted to the original motion of Senator T. Brown which passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso,

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Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.

Total 41

Nays: Boulanger, D. Brown, Moore, Priest, Sales, Vincent, Walker, Wittich, Mr. President.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair T. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 47

Nays: Kaufmann, Phillips, Sales.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

### **THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 239** passed as follows:

Yeas: Arntzen, Arthun, Augare, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Rosendale, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vuckovich, Webb, Windy Boy.

Total 29

Nays: Barrett Debby, Barrett Dick, Blewett, D. Brown, Caferro, Facey, Fielder, Kaufmann, Moore, Phillips, Priest, Ripley, Sales, Sesso, Stewart-Peregoy, Van Dyk, Vincent, Walker, Wanzenried, Wittich, Mr. President.

Total 21

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 182** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 49

Nays: Vincent.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 257** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.  
Total 41

Nays: Boulanger, Fielder, Priest, Rosendale, Sales, Sonju, Taylor, Walker, Wittich.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 264** passed as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.  
Total 29

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Nays: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Larsen, Moore, Murphy, Olson, Peterson, Priest, Ripley, Sales, Sonju, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 207** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 259** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**SB 316** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 223** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 292** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: Blewett, Van Dyk.

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Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 296** passed as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Hamlett, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich.

Total 28

Nays: Arthun, Augare, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Jackson, Jent, Kaufmann, Larsen, Malek, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Mr. President.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 258** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: Priest, Vincent.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 266** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson,

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Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.  
Total 48

Nays: Stewart-Peregoy, Windy Boy.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 242** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.  
Total 43

Nays: Boulanger, D. Brown, Murphy, Ripley, Sales, Tutvedt, Webb.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 343** passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.  
Total 42

Nays: Augare, Blewett, Ripley, Sales, Stewart-Peregoy, Tropila, Wanzenried, Wittich.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.

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Total 0

**SB 312** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 127** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 314** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.

Total 44

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Nays: Boulanger, Ripley, Sales, Taylor, Vincent, Webb.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 319** passed as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.  
Total 48

Nays: Arthun, Windy Boy.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 306** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.  
Total 44

Nays: Boulanger, Brenden, Jackson, Rosendale, Thomas, Wittich.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 321 failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

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Fielder, Jackson, Jones, Lewis, Moore, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Wittich.  
Total 24

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Priest, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 331** passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.  
Total 40

Nays: Augare, Boulanger, Brenden, Priest, Ripley, Rosendale, Sonju, Walker, Webb, Wittich.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

## REPORTS OF STANDING COMMITTEES

**EDUCATION AND CULTURAL RESOURCES** (Peterson, Chair): 2/25/2013  
**SB 283**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "SECTION"

**Insert:** "SECTIONS 20-6-105 AND"

2. Page 1, line 8.

**Insert:** "**Section 1.** Section 20-6-105, MCA, is amended to read:

**"20-6-105. Transfer of territory from one district to another -- hearing on effects of proposed transfer -- burden of proof -- standard of proof -- appeal to district court.** (1) (a) Except as provided in 20-6-214, 20-6-215, 20-6-308, 20-6-322, and ~~subsections~~ subsection (1)(b) and ~~(1)(e)~~ of this section, a petition to transfer territory from one school district to another,

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including petitions to expand an elementary district into a K-12 district under 20-6-326, may be presented to the county superintendent if:

- (i) the petition is signed by 60% of the registered electors qualified to vote at general elections in the territory proposed for transfer;
- (ii) the territory to be transferred is contiguous to or coterminous with the district to which it is to be attached, includes taxable property, and has school-age children living residing in it;
- (iii) the territory to be transferred is not located within 3 miles, over the shortest practicable route, of an operating school in the district from which it is to be transferred; and
- (iv) the board of trustees of the school district that would receive the territory has approved the proposed transfer by a resolution adopted by a majority of the members of the board of trustees at a meeting for which proper notice was given.

(b) A petition to transfer territory to or from a K-12 district may not be presented to a county superintendent unless both school boards and the county superintendents have agreed in writing.

~~(c) Registered voters within the exterior boundaries of school districts that consolidated during the years 2004 to 2008 may petition for changes in their boundaries under the law in effect on July 1, 2005.~~

(2) Once a petition to transfer territory has been filed, an additional petition to transfer that territory may not be filed for 4 years unless the county superintendents have agreed in writing.

(3) The petition for a transfer of territory must be delivered to the county superintendent and must:

- (a) provide a legal description of the territory that is requested to be transferred and a description of the district to which the territory is to be transferred;
- (b) state the reasons why the transfer is requested; and
- (c) state the number of school-age children residing in the territory.

(4) If both the trustees of the receiving and transferring school districts have approved the proposed territory transfer in writing, the county superintendent shall grant the transfer.

(5) For any petition that meets the criteria specified in subsection (1) and contains the information required by subsection (3) but that has not been approved in writing by the board of trustees of the school district that would transfer the territory, the county superintendent shall:

- (a) not more than 40 days after receipt of the petition, set a place, date, and time for a hearing to consider the petition; and
- (b) give notice of the place, date, and time of the hearing. The notice must be posted in the districts affected by the petition for the transfer of territory in the manner prescribed in this title for notices for school elections, with at least one notice posted in the territory to be transferred. Notice must also be delivered to the board of trustees of the school district from which the territory is to be transferred.

(6) The county superintendent shall conduct a hearing as scheduled, and any resident, taxpayer, or representative of the receiving or transferring district must, upon request, be heard. At the hearing, the petitioners have the initial burden of presenting evidence on the proposed transfer's effect on:

- (a) the educational opportunity for the students in the receiving and transferring districts, including but not limited to:
  - (i) class size;
  - (ii) ability to maintain demographic diversity;
  - (iii) local control;
  - (iv) parental involvement; and

- (v) the capability of the receiving district to provide educational services;
- (b) student transportation, including but not limited to:
  - (i) safety;
  - (ii) cost; and
  - (iii) travel time of students;
- (c) the economic viability of the proposed new districts, including but not limited to:
  - (i) the existence of a significant burden on the taxpayers of the district from which the territory will be transferred;
  - (ii) the significance of any loss in state funding for the students in both the receiving and transferring districts;
  - (iii) the viability of the future bonding capacity of the receiving and transferring districts, including but not limited to the ability of the receiving district and the transferring district to meet minimum bonding requirements;
  - (iv) the ability of the receiving district and the transferring district to maintain sufficient reserves; and
  - (v) the cumulative effect of other transfers of territory out of the district in the previous 8 years on the taxable value of the district from which the territory is to be transferred. In cases where the cumulative effect of other transfers of territory out of the district in the previous 8 years is equal to or greater than 25% of the district's taxable value, the following additional factors must be considered and weighed in the decision:
    - (A) the district's rate of passage of discretionary levies placed before the voters over the previous 8 years;
    - (B) the district's reduction or elimination of instructional staff or programs over the previous 8 years; and
    - (C) any increase in district taxes over the previous 8 years and the likely increase in district taxes if the transfer is granted.
- (7) After receiving evidence from both the proponents and opponents of the proposed territory transfer on the effects described in subsection (6), the county superintendent shall, within 30 days after the hearing, issue findings of fact, conclusions of law, and an order.
- (8) If, based on a preponderance of the evidence, the county superintendent determines that the evidence on the effects described in subsection (6) supports a conclusion that a transfer of the territory is in the best and collective interest of students in the receiving and transferring districts and does not negatively impact the ability of the districts to serve those students, the county superintendent shall grant the transfer. If the county superintendent determines that, based on a preponderance of the evidence presented at the hearing, a transfer of the territory is not in the best and collective interest of students in the receiving and transferring districts and will negatively impact the ability of the districts to serve those students, the county superintendent shall deny the territory transfer.
- (9) The decision of the county superintendent is final 30 days after the date of the decision unless it is appealed to the district court by a resident, taxpayer, or representative of either district affected by the petitioned territory transfer. The county superintendent's decision must be upheld unless the court finds that the county superintendent's decision constituted an abuse of discretion under this section. The effective date of the decision is July 1 following the issuance of the decision by the county superintendent.
- (10) Whenever a petition to transfer territory from one district to another district creates a joint district or affects the boundary of an existing joint district, the petition to transfer territory must be delivered to the county superintendent of the county in which the territory proposed to be transferred is located. The county superintendent shall notify any other county

superintendents of counties with districts affected by the petition, and the duties prescribed in this section for the county superintendent must be performed jointly. If the number of county superintendents involved is an even number, the county superintendents shall jointly appoint an additional county superintendent from an unaffected county to join them in conducting the hearing required in subsection (6) and in issuing the decision required in subsection (8). The decision issued under subsection (8) must be made by a majority of the county superintendents.

(11) A petition seeking to transfer territory out of or into a K-12 district must propose the transfer of territory for both elementary and high school purposes. In the case of a proposed transfer out of or into a K-12 district, a petition that fails to propose the transfer of territory for both elementary and high school purposes is invalid for the purposes of this section.

(12) If bonded indebtedness has been approved by the voters of an existing school district prior to the transfer of territory, then the future indebtedness of those bonds when those bonds are sold must be paid by levies on the territory of the district as it existed at the time the bonded indebtedness was approved by the voters."

**Renumber:** subsequent sections

3. Page 1, line 11.

**Strike:** "may"

**Insert:** "that is not part of a unified school system or governed by a joint board with a high school district may seek to"

4. Page 1, line 12.

**Strike:** "only if"

**Insert:** "pursuant to the process set forth in 20-6-105 only if the elementary district's ANB, calculated as provided in 20-9-311, is at least 1,000."

5. Page 1, line 19 through page 2, line 3.

**Strike:** "at" on line 19 through "July 1." on page 2, line 3.

**Insert:** "(2)"

**Renumber:** subsequent sections

6. Page 2, line 13 through line 14.

**Strike:** "prior" on line 13 through "sold" on line 14

7. Page 2, line 15.

**Strike:** "original"

**Following:** "territory"

**Insert:** "of the district as it existed at the time the bonded indebtedness was approved by the voters"

And, as amended, do pass. Report adopted.

**SB 342**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "DESCRIPTION;"

**Insert:** "PROVIDING RULEMAKING AUTHORITY;"

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2. Page 1, line 22.

**Following:** "sign language"

**Insert:** "and to assist in the preservation and curricular goals of Indian education for all pursuant to Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5. Program elements may include but are not limited to:

- (a) language classes;
- (b) audio and visual recordings;
- (c) language immersion camps;
- (d) creation of dictionaries;
- (e) storytelling; and
- (f) publication of literature"

3. Page 1, line 23.

**Following:** line 22

**Insert:** " (2) The state-tribal economic development commission established in 90-1-131 shall administer the program and, in collaboration with the Montana historical society, the state director of Indian affairs, and each tribal government located on the seven Montana reservations and the Little Shell Chippewa tribe, establish rules and guidelines for the program."

**Renumber:** subsequent subsections

4. Page 1, line 23.

**Strike:** "office of public instruction"

**Insert:** "state-tribal economic development commission"

5. Page 1, lines 23 and 24.

**Following:** "purpose" on line 23

**Strike:** "to" on line 23 through "reservations" on line 24

**Insert:** "equally to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe"

6. Page 1, line 25.

**Strike:** "councils"

**Insert:** "governments"

7. Page 1. line 28.

**Following:** line 27

**Insert:** "(a) the governor's office of Indian affairs;"

**Renumber:** subsequent subsections

8. Page 2, line 7.

**Strike:** "councils"

**Insert:** "governments"

9. Page 2, line 8.

**Strike:** "(3)"

**Insert:** "(4)"

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10. Page 2, line 13.

**Strike:** "All"

**Insert:** "Any"

**Following:** "tribe"

**Insert:** " but may be negotiated between the tribe and other partnering entities"

And, as amended, do pass. Report adopted.

**SB 356**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 6.

**Strike:** "A PARENT" on line 4 through "PROCESS" on line 6

**Insert:** "CERTAIN SCHOOL ASSIGNMENT DECISIONS ARE SUBJECT TO THE DISTRICT'S GRIEVANCE POLICY"

2. Page 1, line 30 through page 2, line 4.

**Strike:** subsection (6) in its entirety

**Insert:** "(6) The trustees' assignment of a child meeting the qualifications of subsection (1) to a school in the district outside of the adopted school boundaries applicable to the child is subject to the district's grievance policy. Upon completion of procedures set forth in the district's grievance policy, the trustees' decision regarding the assignment is final."

And, as amended, do pass. Report adopted.

**SR 9**, introduced resolution, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "SUPPORTING"

**Insert:** "ACKNOWLEDGING"

2. Page 1, line 27.

**Strike:** "provides its support behind"

**Insert:** "acknowledges"

3. Page 1, line 29 through line 30.

**Strike:** "supports" on line 29 through "improve" on line 30

**Insert:** "is committed to improved"

And, as amended, do pass. Report adopted.

**FISH AND GAME** (Brenden, Chair):

2/25/2013

**SB 341**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "TRANSPLANTATION"

**Insert:** ", INTRODUCTION,"

2. Page 1, line 11.

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**Following:** "transplantation"

**Insert:** ", introduction,"

3. Page 1, line 13.

**Following:** "transplantation"

**Insert:** ", introduction,"

4. Page 1, line 14.

**Following:** "transplantation"

**Insert:** ", introduction,"

5. Page 1, line 16.

**Following:** "transplanted"

**Insert:** ", introduced,"

**Strike:** "that may be detrimental to the success of the project"

6. Page 1, line 21.

**Following:** "transplantation"

**Insert:** ", introduction,"

7. Page 1, line 23.

**Following:** "transplanted"

**Insert:** ", introduced,"

8. Page 1, line 25.

**Following:** "transplant"

**Insert:** ", introduce, or augment"

9. Page 1, line 28.

**Following:** "be"

**Insert:** "predominantly"

10. Page 1, line 28 through line 29.

**Following:** "managed lands"

**Strike:** ", privately owned" on line 28 through "privately owned" on line 29

11. Page 1, line 30.

**Following:** "transplant"

**Insert:** ", introduce,"

12. Page 2, line 2.

**Following:** "transplanted"

**Insert:** ", introduced,"

13. Page 2, line 4 through line 5.

**Following:** "transplantation" on line 4

**Insert:** ", introduction,"

**Strike:** "significantly" on line 4 through "grazing" on line 5

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**Insert:** "restrict or limit the use or value of private property"

14. Page 2, line 7.

**Following:** "transplantation"

**Insert:** ", introduction,"

15. Page 2, line 8.

**Following:** "transplanted"

**Insert:** ", introduced,"

16. Page 2, line 9.

**Following:** "transplanted"

**Insert:** ", introduced,"

17. Page 2, line 11.

**Strike:** ","

**Insert:** "."

18. Page 2, line 12 through line 13.

**Strike:** subsection (iii)

19. Page 2, line 14.

**Following:** "transplantation"

**Insert:** ", introduction,"

**Strike:** "wildlife"

**Insert:** "game animals, as defined in 87-2-101, large predators, as defined in 87-1-217, or threatened or endangered species"

20. Page 2, line 14 through line 15.

**Strike:** "prepare" on line 14 through "including a" on line 15

**Insert:** "conduct a proactive"

21. Page 2, line 15.

**Following:** "As part of the"

**Insert:** "proactive"

22. Page 2, line 21.

**Following:** "transplantation"

**Insert:** ", introduction,"

23. Page 2, line 23.

**Strike:** "lands"

**Insert:** "property"

24. Page 2, line 24.

**Strike:** "within" through "area"

**Insert:** "that are expected to be adversely affected"

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25. Page 2, line 25.

**Following:** "transplantation"

**Insert:** ", introduction,"

26. Page 2, line 26.

**Following:** "transplantation"

**Insert:** ", introduction, or augmentation"

27. Page 3, line 4.

**Following:** "transplantation"

**Insert:** ", introduction,"

28. Page 3, line 6.

**Following:** "transplanted"

**Insert:** ", introduced,"

29. Page 3, line 9.

**Following:** "transplantation"

**Insert:** ", introduction,"

**Strike:** "a species"

**Insert:** "game animals, large predators, or threatened or endangered species"

30. Page 3, line 10.

**Strike:** "specifically identified or"

**Insert:** "directly"

31. Page 3, line 11.

**Strike:** "proposed"

**Insert:** "persons conducting"

**Following:** "transplantation"

**Insert:** ", introduction,"

**Strike:** "project"

**Insert:** "activities"

32. Page 3, line 14.

**Following:** "transplantation"

**Insert:** ", introduction,"

33. Page 3, line 18.

**Following:** "Transplantation"

**Insert:** ", introduction,"

34. Page 3, line 27.

**Strike:** "state"

**Insert:** "continent"

**Strike:** "another"

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**Insert:** "a"

35. Page 5, line 26.

**Following:** "transplantation"

**Insert:** ", introduction,"

And, as amended, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Priest, Chair):  
**SB 84**, introduced bill, be amended as follows:

2/25/2013

1. Title, page 1, line 5.

**Strike:** "CREATING A COMMISSION AND"

**Insert:** "ESTABLISHING"

2. Title, page 1, line 6 through line 7.

**Strike:** "ACTIVITIES" on line 6 through "ON" on line 7

3. Title, page 1, line 8.

**Strike:** "PROVIDING FOR"

**Insert:** "ALLOWING THE"

4. Title, page 1, line 9.

**Strike:** "INCLUDING"

**Insert:** "ALLOWING THE VOLUNTARY PARTICIPATION OF"

5. Title, page 1, line 10.

**Following:** "UNIVERSITY,"

**Insert:** "AND"

**Following:** "GOVERNMENT"

**Strike:** ", "

**Insert:** "PLANS, INCLUDING"

6. Title, page 1, line 15.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

7. Page 1, line 19.

**Strike:** "7"

**Insert:** "5"

8. Page 1, line 24.

**Strike:** "7"

**Insert:** "5"

9. Page 1, line 28.

**Strike:** "7"

**Insert:** "5"

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10. Page 2, line 20 through line 21.

**Strike:** "Commission" on line 20 through "purpose" on line 21

**Insert:** "State action immunity doctrine"

11. Page 2, line 21 through line 29.

**Strike:** "(1) There is" on line 21 through "(5)" on line 29

12. Page 2, line 29 through line 30.

**Strike:** "commission's" on line 29 through "payments" on line 30

**Insert:** "patient-centered medical home program in Montana"

**Strike:** "commission activities" on line 30

**Insert:** "any standards used by the patient-centered medical home program"

13. Page 3, line 6.

**Strike:** "7"

**Insert:** "5"

14. Page 3, line 8 through line 9.

**Strike:** subsection (1) in its entirety

**Renumber:** subsequent subsections

15. Page 3, line 13.

**Following:** "(4)"

**Insert:** "(a)"

16. Page 3, line 17.

**Following:** line 16

**Insert:** "(b) The term does not include the provision of services through the medicaid program or the healthy Montana kids program as authorized in Title 53."

17. Page 3, line 23.

**Strike:** "commission"

**Insert:** "commissioner"

**Strike:** "6"

**Insert:** "4"

18. Page 3, line 25 through line 26.

**Strike:** "determined" on line 25 through "to" on line 26

**Insert:** "that"

**Strike:** "a" on line 26

**Insert:** "the"

**Following:** "home" on line 26

**Insert:** "program"

19. Page 3, line 27.

**Following:** line 26

**Insert:** "(5) "Prevention services" means health care services that include primary prevention

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services and clinical prevention services."

**Renumber:** subsequent subsections

20. Page 3, line 27 through line 28.

**Following:** "provider" on line 27

**Strike:** ", "

**Insert:** "or"

**Following:** "health care practice" on line 27

**Strike:** ", or a federally " on line 27 through "42 U.S.C. 254b" on line 28

21. Page 4, line 4 through page 5, line 1.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

22. Page 5, line 3.

**Following:** "rulemaking."

**Insert:** "(1)"

23. Page 5, line 5.

**Strike:** "(1)"

**Insert:** "(a)"

**Strike:** "7"

**Insert:** "5"

24. Page 5, line 6 through line 10.

**Strike:** "(2) approve" on line 6 through "commission." on line 10

**Insert:** "(b) in consultation with interested parties, qualify patient-centered medical homes that have been accredited by a nationally recognized accrediting organization approved by the commissioner and that meet any other standards established by the commissioner;

(c) oversee, promote, coordinate, and provide guidance concerning the creation and activities of any patient-centered medical homes doing business in Montana in order to ensure that the requirements of [sections 1 through 5] are met;

(d) consult with all interested parties in association with carrying out the activities required under [sections 1 through 5]; and

(e) develop and implement standards as set forth in [section 5] in consultation with interested parties.

(2) For the purposes of this section, interested parties include but are not limited to the department, public health agencies, health plans, government health plans, primary health care providers, and health care consumers. Interested parties must be organized as a stakeholder council with regular meetings, the scheduling of which must be determined by the commissioner."

25. Page 5, line 12 through page 6, line 7.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

26. Page 6, line 9.

**Strike:** "commission"

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**Insert:** "commissioner"

27. Page 6, line 10 through line 11.

**Strike:** "commissioner" on line 10 through "practices" on line 11

**Insert:** "stakeholder council of interested parties"

28. Page 6, line 13.

**Strike:** "commission"

**Insert:** "commissioner in consultation with stakeholders"

29. Page 6, line 20.

**Following:** "measures"

**Insert:** "that include prevention services"

30. Page 6, line 22.

**Following:** line 21

**Insert:** "(3) A patient-centered medical home must meet the standards in this section in full or in part by providing proof to the commissioner that it has been accredited by a nationally recognized accrediting organization approved by the commissioner.

(4) The commissioner may, in consultation with stakeholders, set standards that are specific to Montana and may be required in addition to nationally recognized accreditation standards."

**Renumber:** subsequent subsections

31. Page 6, line 23.

**Strike:** "commission"

**Insert:** "commissioner"

32. Page 6, line 24.

**Following:** "plans"

**Insert:** "and other payers"

33. Page 6, line 25.

**Strike:** "commission"

**Insert:** "commissioner"

34. Page 6, line 27.

**Following:** "plan"

**Insert:** "and other payers"

**Strike:** "its"

**Insert:** "their"

35. Page 6, line 28.

**Strike:** "commission"

**Insert:** "commissioner"

36. Page 6, line 30.

**Strike:** "commission"

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**Insert:** "commissioner"

37. Page 7, line 8 through line 16.

**Strike:** subsection (6) through subsection (7) in their entirety

**Insert:** "(8) All health care providers who participate in a patient-centered medical home shall, as a condition of participation, commission an independent study on savings generated by the patient-centered medical home program and report to the children, families, health, and human services interim committee during the interim ending in 2016."

38. Page 7, line 17.

**Following:** line 16

**Insert:** "NEW SECTION. **Section 6. Participation in patient-centered medical home optional.** The participation of an insurance contract or plan issued under this part in a patient-centered medical home program is not required. If a plan chooses to participate in a patient-centered medical home program, the plan shall comply with the requirements of [sections 1 through 5]."

**Renumber:** subsequent sections

39. Page 8, line 9.

**Strike:** "7"

**Insert:** "5"

40. Page 8, line 23.

**Strike:** "7"

**Insert:** "5"

41. Page 9, line 1.

**Strike:** "Except" through "this"

**Insert:** "This"

42. Page 9, line 6.

**Strike:** "and [sections 1 through 7],"

43. Page 9, line 10.

**Strike:** "and [sections 1 through 7],"

44. Page 9, line 30.

**Strike:** "7"

**Insert:** "5"

45. Page 10, line 29.

**Strike:** "7"

**Insert:** "5"

46. Page 11, line 9.

**Strike:** "7"

**Insert:** "5"

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47. Page 13, line 6 through line 10.

**Strike:** "authorizing" on line 6 through "commission" on line 10

**Insert:** "for implementing and administering one or more patient-centered medical home programs. The rules may include but are not limited to provider qualifications, coverage groups, services coverage, measures to ensure the appropriateness and quality of services delivered, payment rates and fees, and utilization measures. In implementing and administering patient-centered medical home programs, the department shall use only health care providers that have been qualified by the commissioner and authorized to use the designation of a patient-centered medical home. The department shall use the standards adopted by the commissioner for patient-centered medical homes under [section 5], except for those standards relating to settling payment rates and fees and any standards that may conflict with federal medicaid requirements"

48. Page 13, line 12.

**Following:** "instruction."

**Insert:** "(1)"

**Strike:** "7"

**Insert:** "5"

49. Page 13, line 13.

**Strike:** "7"

**Insert:** "5"

50. Page 13, line 14.

**Following:** line 13

**Insert:** "(2) [Section 6] is intended to be codified as an integral part of Title 2, chapter 18, part 7, and the provisions of Title 2, chapter 18, part 7, apply to [section 6]."

51. Page 13, line 16.

**Following:** line 15

**Insert:** "NEW SECTION. **Section 14. Termination.** [This act] terminates December 31, 2017."

And, as amended, do pass. Report adopted.

**SB 218**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "AND"

2. Title, page 1, line 6.

**Following:** "PROVIDERS"

**Strike:** "WHO EXERCISE THEIR MEDICAL JUDGMENT IN SELECTING"

**Insert:** "; REQUIRING HEALTH CARE PROVIDERS TO SELECT"

3. Title, page 1, line 7.

**Following:** "RATIONALE"

**Insert:** "; REQUIRING A SURVEY AND REPORT; AND PROVIDING A TERMINATION DATE"

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4. Page 2, line 13.

**Strike:** "4"

**Insert:** "5"

5. Page 2, line 16.

**Strike:** "4"

**Insert:** "5"

6. Page 2, line 24.

**Following:** "37-4-409,"

**Insert:** "an optometrist licensed under Title 37, chapter 10, a podiatrist licensed under Title 37, chapter 6,"

7. Page 3, line 6.

**Following:** line 5

**Insert:** "(3) A health care provider who fails to select a medically acceptable course of treatment and include in the medical record the health care provider's documented rationale may be found negligent."

8. Page 3, line 6.

**Insert:** "NEW SECTION. **Section 4. Survey to track effectiveness -- report.** (1) The Montana medical legal panel shall develop a survey in order to determine whether [sections 1 through 5] are achieving the desired effects of reducing the practice of defensive medicine by physicians and to quantify the savings to medicaid, the healthy Montana kids plan, medicare, and private insurers in Montana and shall submit the survey to the board of medical examiners for its approval.

(2) Once the survey is approved by the board of medical examiners, the Montana medical legal panel shall submit the survey on an annual basis to all physicians actively practicing medicine in the state of Montana.

(3) The results of the survey are a public record and must be provided to the children, families, health, and human services interim committee during each interim ending in 2016."

**Renumber:** subsequent sections

9. Page 3, line 7.

**Following:** "through"

**Strike:** "4"

**Insert:** "5"

10. Page 3, line 10.

**Following:** "through"

**Strike:** "4"

**Insert:** "5"

11. Page 3, line 11.

**Strike:** "4"

**Insert:** "5"

12. Page 3, line 15.

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**Insert:**            "NEW SECTION. Section 8. Termination. [This act] terminates December 31, 2017."

And, as amended, do pass. Report adopted.

**SB 272**, introduced bill, be amended as follows:

1. Page 7, line 26.

**Following:** line 25

**Insert:** "(6) If the Indian child's tribe accepts jurisdiction, the state court shall enter an order relieving the office of state public defender and any public defender assigned pursuant to 41-3-425 and 47-1-104 from further representation."

**Renumber:** subsequent subsections

2. Page 8, line 10.

**Strike:** "41-5-1411"

**Insert:** "41-3-112"

And, as amended, do pass. Report adopted.

**SB 297**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "PREFERRED"

**Following:** "DATE" on line 5

**Strike:** "AND" on line 5 through "DATE" on line 6

2. Page 1, line 10.

**Strike:** "preferred"

3. Page 1, line 11.

**Strike:** "preferred"

**Strike:** "pursuant to this part"

**Insert:** "with a person as defined in 33-1-202"

4. Page 1, line 12.

**Strike:** "preferred"

5. Page 1, line 15.

**Following:** "33-1-206;"

**Insert:** "or"

6. Page 1, line 16 through line 17.

**Strike:** "; or" on line 16 through "33-22-140" on line 17

7. Page 1, line 19.

**Strike:** "preferred"

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8. Page 1, line 21.

**Following:** "instruction."

**Insert:** "(1)"

9. Page 1, line 22.

**Following:** "part of Title 33, chapter"

**Strike:** "22, part 17"

**Insert:** "1"

**Following:** "provisions of Title 33, chapter"

**Strike:** "22, part 17"

**Insert:** "1"

10. Page 1, line 24.

**Following:** line 23

**Insert:** "(2) [Section 1] is intended to be codified as an integral part of Title 50, chapter 4, and the provisions of Title 50, chapter 4, apply to [section 1]."

11. Page 2, line 1 through line 2.

**Strike:** section 5 in its entirety

And, as amended, do pass. Report adopted.

**SB 351**, do pass. Report adopted.

**SB 372**, do pass. Report adopted.

**STATE ADMINISTRATION** (Arthun, Chair):

2/25/2013

**SB 241**, do pass. Report adopted.

**SB 353**, introduced bill, be amended as follows:

1. Page 3, line 15.

**Strike:** "or the teachers' retirement board"

2. Page 3, line 16.

**Following:** "this act]"

**Insert:** "or a member of the teachers' retirement board appointed prior to [the effective date of this act]"

3. Page 3, line 29.

**Strike:** "or the teachers' retirement board"

And, as amended, do pass. Report adopted.

## MOTIONS

Senator Brenden moved that **SB 340** be taken from Education and Cultural Resources and brought before the Committee of the Whole on Tuesday, February 26, 2013, the forty-third legislative day. Motion carried as follows:

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Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Hamlett, Jackson, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.  
Total 26

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

### **SPECIAL ORDERS OF THE DAY**

Senator Taylor introduced the pages for the coming week:

Shawnee Christiansen, Townsend  
Tanner Jergeson, Helena  
Mackenzie Keiper, Missoula  
Bailee Lapke, Simms  
Elizabeth Stears, Billings  
Peter Venman, Kalispell

### **ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 9:00 a.m., Tuesday, February 26, 2013, the forty-third legislative day. Motion carried.

Senate adjourned at 4:37 p.m.

MARILYN MILLER  
Secretary of the Senate

JEFF ESSMANN  
President of the Senate

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